

MONDAY, APRIL 26, 1993

THIRTY-EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Brother Gerry Gass, Boulevard Church of Christ, Winchester, Tennessee.

Representative Rigsby led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Allen; business in district.

Representative Bragg; being honored by MTSU.

Representative Jackson; illness.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 91

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

ENROLLED BILLS

April 22, 1993

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 482, 831, 918, 959, 1118, 1255, 1363, 1410 and 1542; House Joint

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Resolution(s) No(s). 202, 203, 204, 207, 222, 223, 224, 225, 227, 228, 230, 231, 232, 233, 234 and 238; also, House Resolution(s) No(s). 41.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**April 22, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 482, 831, 918, 959, 1118, 1255, 1363, 1410 and 1542; House Joint Resolution(s) No(s). 202, 203, 204, 207, 222, 223, 224, 225, 227, 228, 230, 231, 232, 233, 234 and 238; also, House Resolution(s) No(s). 41.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**COMMUNICATIONS**

I, Richard A. Fisher, State Representative of the 22nd House District, voted for House Bill 1048 [SB 747] for the following reasons:

- 1) A previous General Assembly had authorized horse racing in the state of Tennessee. I am convinced that Tennessee's rural interests would receive significant economic advantages with the jobs and increased production associated with raising, training and caring for horses;
- 2) Several people in the 22nd district requested I support this bill because of their interest in horses. No one expressed any opposition;
- 3) From information I have received, it is my opinion that horse racing in the Mid-South is free from the crime and corruption associated with other forms of gambling;
- 4) The overall benefit of a track located in Memphis will not have a significant detrimental impact on the 22nd district.

**RULES SUSPENDED**

Rep. Liles moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 194, previously considered and held on the desk, which motion prevailed.

**\*House Joint Resolution No. 0194 --** Memorials. Academic Achievement -- MTSU Developmental Studies Department, John Champaign Award for Outstanding Developmental Program. by \*Liles, \*Bragg, \*Mires.

On motion of Rep. Liles, the resolution was adopted.

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The motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

**April 26, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 195: adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 0195 -- Memorials, Death --** Joy Baker. by \*Leatherwood, \*Atchley, \*McNally, \*Jordan, \*Greer, \*Patten, \*Gilbert, \*Wright, \*Holcomb, \*Elsea, \*Wilder, \*Albright, \*Burks, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis, \*Ford, \*Hamilton, \*Harper, \*Haynes, \*Henry, \*Koella, \*Kyle, \*McKnight, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, April 28, 1993:

**House Resolution No. 0044 -- Memorials, Heroism --** Al Walker. by \*Westmoreland.

**House Resolution No. 0045 -- Memorials, Recognition and Thanks --** Dr. Don Lambert, Chairman of Department of Education, Austin Peay State University. by \*Head, \*Knight, \*Davidson.

**House Joint Resolution No. 0239 -- Memorials, Interns --** Tammy Floyd. by \*Phillips, \*Turner B, \*Moore.

**House Joint Resolution No. 0240 -- Memorials, Interns --** Karen Willis. by \*Phillips, \*Turner B, \*Moore.

**House Joint Resolution No. 0243 -- Memorials, Interns --** Roger Brown. by \*Pinion, \*Phelan, \*Cole Ronnie, \*Collier.

**House Joint Resolution No. 0244 -- Memorials, Sports --** 1992-1993 Livingston High School girls' basketball team, TSAA Class AA runner-up. by \*Windle.

**House Joint Resolution No. 0245 -- Memorials, Retirement --** Anna Ruth Qualls. by \*Windle.

The following resolution was introduced and held on the Clerk's desk at the sponsor's request:

**House Joint Resolution No. 0241 -- Memorials, Recognition and Thanks --** Carl Owenby, Sevierville First Baptist Church. by \*Owenby, \*Huskey, \*Davis Ronnie, \*Haley, \*Crain, \*Ridgeway, \*Pinion, \*Naifeh.

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**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, April 28, 1993:

**Senate Joint Resolution No. 0171** -- Memorials, Professional Achievement -- Opal N. Shearron. Cheatham County Teacher of the Year.

**Senate Joint Resolution No. 0195** -- Memorials, Death -- Joy Baker.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 0438** -- Taxes, Assessment -- Establishes construction in process property tax rates. Amends TCA, Title 67. (HB 0735).

**\*Senate Bill No. 0638** -- Motor Vehicles -- Establishes safety inspection fee on freight motor vehicles with proceeds earmarked to PSC. Amends TCA, Title 55, Ch. 4, Pt. 1; Title 55, Ch. 6, Pt. 1, 65-15-107, 109, 113, 116. (HB 1319).

**\*Senate Bill No. 1165** -- DUI/DWI Offenses -- Makes it an offense for a person charged with an offense involving alcohol or drug use to carry firearm in vehicle. Amends TCA 65-15-122, 106. (HB 0871).

**\*Senate Bill No. 1560** -- Taxes, Real Property -- Revises property tax exemption for certain low income housing. Same as \*SB 1559/HB 1519. Amends TCA 67-5-207. (HB 1513).

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1652** -- Hamilton County -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 1653** -- Decherd -- Held on Clerk's desk pending approval by local delegation.

**PRESENT IN CHAMBER**

Representative(s) Chumney was/were recorded as being present in the Chamber.

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**CONSENT CALENDAR**

**House Bill No. 1642** -- Germantown -- Removes runoff requirements for mayors and aldermen; lowers age requirement for office of mayor and aldermen from 30 to 25. Amends Chapter 87, Private Acts of 1985.

**House Bill No. 1643** -- Robertson County -- Removes duties of county road supervisor to make inspections of roads, bridges and highways and to keep them safe and in good repair. Amends Chapter 380, Private Acts of 1947.

**House Bill No. 1645** -- Anderson County -- Sets forth responsibilities of Division I and Division II General Sessions judges. Amends Chapter 459, Private Acts of 1947, as amended.

**House Bill No. 0588** -- Public Officials -- Creates office of state geographer.

On motion, House Bill No. 588 was made to conform with **Senate Bill No. 1037**; the Senate Bill was substituted for the House Bill.

**\*House Resolution No. 0016** -- General Assembly, Studies -- Continues committee on earthquake preparedness.

**\*House Joint Resolution No. 0070** -- General Assembly, Directed Studies -- Directs department of finance and administration to study negative impact of HIV and AIDS on state's financial resources.

**\*Senate Joint Resolution No. 0053** -- General Assembly -- Creates joint legislative committee to study laws relative to voter registration and absentee voting.

**\*House Joint Resolution No. 0020** -- General Assembly, Studies -- Creates special joint committee to study role of African Americans in development of public policy and planning for inner city development.

**\*House Joint Resolution No. 0191** -- Memorials, Government Officials -- Provides for annual report by Tennessee Advisory Commission on Intergovernmental Relations and Comptroller on receipts into and expenditures from dedicated education trust fund.

**House Bill No. 1548** -- Municipal Government -- Provides if municipality's wastewater system has been in operation less than three years or total equity is four times greater than debt, depreciation expense is not considered in determining operating deficit. Amends TCA 68-221-1010.

**House Bill No. 1549** -- Water Pollution and Water Resources -- Revises Watershed District Act of 1955; revises audit provisions of watershed districts. Amends TCA 69-7-142.

On motion, House Bill No. 1549 was made to conform with **Senate Bill No. 740**; the Senate Bill was substituted for the House Bill.

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**House Joint Resolution No. 0237 -- Memorials, Death -- Charles W. Houston.**

**Senate Joint Resolution No. 0172 -- Memorials, Academic Achievement -- Dupont Elementary School, Overall Excellence Award.**

**Senate Joint Resolution No. 0173 -- Memorials, Retirement -- J. L. Goins, Pellissippi State President.**

**Senate Joint Resolution No. 0174 -- Memorials, Sports -- Battle Ground Academy cheerleading squad.**

**Senate Joint Resolution No. 0176 -- Memorials, Professional Achievement -- Jane C. Barnes, Cheatham County Teacher of the Year.**

**Senate Joint Resolution No. 0179 -- Memorials, Professional Achievement -- Brenda Ables, TEA Distinguished Classroom Teacher Award, 1993.**

**Senate Joint Resolution No. 0180 -- Memorials -- Fall Branch Elementary School, 150th anniversary.**

**Senate Joint Resolution No. 0181 -- Memorials, Death -- George W. Davis.**

**Senate Joint Resolution No. 0182 -- Memorials, Recognition and Thanks -- Peggy Vaden.**

**Senate Joint Resolution No. 0183 -- Memorials, Recognition and Thanks -- Ann Moseley.**

**Senate Joint Resolution No. 0184 -- Memorials, Professional Achievement -- Tennessee recipients of Milken Family Foundation National Educator Awards.**

**Senate Joint Resolution No. 0185 -- Memorials, Public Service -- C. Lionel Kendrick.**

**Senate Joint Resolution No. 0186 -- Memorials, Academic Achievement -- Germantown High School students and Frank Bluestein, award-winning GHS-TV Production Center.**

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1548; by Rep. Williams (Union).**

**House Bill No. 1642; by Rep. U. Jones.**

Under the rules, House Bill(s) No(s). 1548 and 1642 was/were placed at the foot of the calendar for Wednesday, April 28, 1993.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 0020 -- Zoning --** Requires county or municipality which enacts zoning plan to establish separate classification for adult oriented businesses. Amends TCA, Title 13, Ch. 7.

Further consideration of House Bill No. 20, previously considered on April 19, 1993, at which time Amendment No. 1 was adopted and the bill was reset to the Calendar for April 26, 1993.

Rep. Joyce moved that House Bill No. 20 be reset to the Calendar for Thursday, May 6, 1993, which motion prevailed.

**\*House Bill No. 0308 -- Consumer Protection --** Requires motor vehicle dealers to transfer or explain availability of certain warranties on used motor vehicles. Amends TCA, Title 55.

Further consideration of House Bill No. 308, previously considered on April 19, 1993, at which time it was reset to the Calendar for April 26, 1993.

Rep. Dixon moved that House Bill No. 308 be passed on third and final consideration.

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Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 1, seconded by Rep. Dixon, as follows:

**Amendment No. 1**

Amend House Bill No. 308 by deleting Sections 1, 2, 3, 4 and 5 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 55, is amended by adding the following new section:

Section \_\_\_\_\_. Any business entity which purchases a fleet of new motor vehicles and titles such motor vehicles in the business entity's name and sells such vehicles to an individual purchaser shall disclose in writing any remaining manufacturer's warranty on such motor vehicles to such purchaser.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 308 by redesignating the second Section 5 of the printed bill to be Section 6.

On motion, Amendment No. 2 was adopted.

Rep. Dixon requested that House Bill No. 308 be moved down 2 places on the Calendar.

**House Bill No. 0622 -- Education, Higher --** Specifies form of and procedure for keeping statistics on crimes including college and university students; provides for public inspection of records. Amends TCA, Title 49, Ch. 7, Pt. 22.

Rep. Boyer moved that House Bill No. 622 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Boyer moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 622 by deleting the amendatory language of Section 1 in its entirety and substituting in lieu thereof the following:

The crime statistics shall also include crime data



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compilations, where available, for crimes against the students of institutions of higher education that are committed within the county where such school is located. Such information shall be taken from incidence/complaint report forms used by state, county and municipal law enforcement agencies that are submitted pursuant to Tennessee Code Annotated, Section 38-10-102, or voluntarily for purposes of this part. Said incidence/complaint report forms shall, when applicable, indicate whether the victim is a student attending an institution of higher education that is located in the county in which the crime occurred and the name of the school attended by such student.

AND FURTHER AMEND by deleting the amendatory language of Section 3 in its entirety and substituting in lieu thereof the following:

This act shall take effect January 1, 1994, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Boyer requested that House Bill No. 622 be moved down 3 places on the Calendar.

**\*House Bill No. 0308 -- Consumer Protection -- Requires motor vehicle dealers to transfer or explain availability of certain warranties on used motor vehicles. Amends TCA, Title 55.**

Further consideration of House Bill No. 308, previously considered on today's Calendar.

Rep. DeBerry moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend House Bill No. 308 by adding the following new section to be appropriately designated:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 55, Chapter 17, Part 1, is amended by adding a new section thereto, as follows:

Section 55-17-\_\_\_\_. An applicant for a motor vehicle dealer license who will sell used motor vehicles shall post with the commission a bond, in an amount set by the commission by regulation, payable to the state of Tennessee to ensure compliance with all the provisions of this chapter on licensing.

Rep. Dixon requested that House Bill No. 308 be moved down 5 places on the Calendar.

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**House Bill No. 0466** -- Education -- Requires ticket subsidy programs for school children to not be limited to one facility.

Rep. Duer moved that House Bill No. 466 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 466 by deleting Section 1 of the printed bill in its entirety and substituting the following:

SECTION 1. The Tennessee arts commission shall develop and implement a statewide program to promote the attendance of students at arts performances. Such program shall include a ticket subsidy program to enable students to attend live performances during the school year at free or reduced prices. Out of funds appropriated to the commission for that purpose, the commission shall make grants on a regional basis for attendance subsidies for students in that area, or in other parts of the state. The program shall be based on grants made in the 1992-1993 fiscal year to the Memphis and Knoxville arts councils and to the Tennessee performing arts center, but as additional funding becomes available, the program shall be expanded to other arts organizations and other communities.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 466** be re-referred to the Budget subcommittee of the Finance, Ways and Means Committee, which motion prevailed.

**PRESENT IN CHAMBER**

Representative(s) R. Jones, L. Turner and Callicott was/were recorded as being present in the Chamber.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal: Rep(s). Callicott.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 0622** -- Education, Higher -- Specifies form of and procedure for keeping statistics on crimes including college and university students; provides for public inspection of records.

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Amends TCA, Title 49, Ch. 7, Pt. 22.

Further consideration of House Bill No. 622, previously considered on today's Calendar.

Rep. Boyer moved that House Bill No. 622, as amended, be passed on third and final consideration.

Rep. Boyer moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend House Bill No. 622 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 22. is amended by adding a new section, as follows:

Section 49-7-2206. Each institution of higher education which maintains either a police or security department comprised of state, private or contract employees shall make, keep and maintain a daily log, written in a form that can be easily understood, recording in chronological order all crimes against persons or property reported to its police or security department, the date, time and general location of such crimes and, if an arrest has been made, the names and addresses of all persons arrested and charges against such persons arrested. The provisions of this section shall not be construed to require an institution to identify in its log, unless otherwise provided by law, the names of the persons reporting the crime, the victim(s), any witnesses or suspects who have not been arrested, or other information relating to any investigation of the crime. All entries in said daily logs shall, unless otherwise provided by state or federal law, be open to inspection without charge to the public during regular business hours.

On motion, Amendment No. 3 was adopted.

Rep. Fisher moved to adopt Amendment No. 4, seconded by Rep. Boyer, as follows:

**Amendment No. 4**

Amend House Bill No. 622 by adding the following at the end of the amendatory language in Section 1, as amended:

The crime statistics shall specifically include crime data compilations for crimes involving the unlawful possession or sale of controlled substances.

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On motion, Amendment No. 4 was adopted.

Rep. Boyer moved that **House Bill No. 622**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0337 -- Sunset Laws --** Department of economic and community development, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.

Rep. Kernell moved that House Bill No. 337 be reset one week to the Calendar for Monday, May 3, 1993, which motion prevailed.

**House Bill No. 1143 -- Taxes, Privilege --** Authorizes employing state or local government to pay professional privilege tax for employees. Amends TCA, Title 67, Ch. 4, Pt. 17.

Further consideration of House Bill No. 1143, previously considered on April 21, 1993, at which time Amendments Nos. 1 and 2 were adopted and the bill was reset, as amended, to the Calendar for April 26, 1993.

Rep. West moved that House Bill No. 1143, as amended, be passed on third and final consideration.

Rep. Haley moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend House Bill No. 1143 by deleting the amendatory language in its entirety and substituting instead the following language:

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State agencies are hereby authorized to pay the tax imposed by this part on behalf of the professionals subject to the tax who are employed by such governmental entities and agencies, and upon approval of a two-thirds (2/3) vote of the legislative body of the municipality or county, municipal and county governments are hereby authorized to pay the tax imposed by this part on behalf of the professionals subject to the tax who are employed by such governmental entities who earn a salary of less than thirty thousand dollars (\$30,000) per annum.

Speaker Naifeh requested that House Bill No. 1143 be moved down five places on the Calendar.

**\*House Bill No. 0308 -- Consumer Protection --** Requires motor vehicle dealers to transfer or explain availability of certain warranties on used motor vehicles. Amends TCA, Title 55.

Further consideration of House Bill No. 308, considered earlier on today's calendar.

Rep. Dixon moved that House Bill No. 308, as amended, be reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**House Bill No. 0660 -- Medicare and Medicaid --** Directs medical advisory committee to recommend to general assembly desirable modifications in state and federal law relative to funding medical assistance by January 1, 1994. Amends TCA, Titles 33, 56, 63, 67, 68, 71.

Rep. Purcell moved that House Bill No. 660 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 660 by deleting all of the language following the enacting clause and by substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Section 71-5-102. is amended by adding the following new language at the end of the section:

Medical assistance pursuant to this part may also be provided pursuant to any federal waiver received by the state that waives any or all of the provisions of title XIX or pursuant to any other applicable federal law to the extent

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adopted by means of an amendment to the required title XIX state plan.

SECTION 2. Tennessee Code Annotated, Section 71-5-103(5), is amended by deleting the punctuation ";" at the end of the item and by substituting instead the following:

. To the extent of any federal waiver received by the state that waives any or all of the provisions of title XIX or pursuant to any other federal law as adopted by amendment to the required title XIX state plan, "medically needy" shall also mean those persons whose income and assets are insufficient to purchase health insurance and those persons who are uninsurable as a result of an existing or prior medical condition;

SECTION 3. Tennessee Code Annotated, Section 71-5-104, is amended by deleting the punctuation "." at the end of the section and by adding the following additional language:

or as provided by any federal waiver received by the state that waives any or all of the provisions of title XIX or pursuant to any other federal law as adopted by amendment to the required title XIX state plan.

SECTION 4. Tennessee Code Annotated, Section 71-5-105(a)(11), is amended in the third sentence by deleting the language "or other method of reimbursement related to diagnosis" and by substituting instead the language "other method of reimbursement related to diagnosis, or other method of reimbursement pursuant to any federal waiver that waives any or all of the provisions of title XIX which the state may receive or pursuant to any other federal law as adopted by amendment to the required title XIX state plan".

SECTION 5. Tennessee Code Annotated, Section 71-5-106(a)(2), is amended by deleting the subdivision in its entirety.

SECTION 6. Tennessee Code Annotated, Section 71-5-106, is amended by adding the following as a new subsection to be appropriately designated:

( ) The provisions of subsections (b) through (j), inclusive, of this section shall not limit the ability of the state to extend medical assistance to persons who are medically needy pursuant to any federal waiver received by the state that waives any or all of the provisions of title XIX or pursuant to any other federal law as adopted by amendment to the required title XIX state plan.

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SECTION 7. Tennessee Code Annotated, Title 71, Chapter 5. Part 1, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of Sections 1, 2, 3, 4, 5 and 6 of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5. In order to comply with or to implement the provisions of any federal waiver or state plan amendment obtained pursuant to this act the commissioner of health is authorized to promulgate public necessity rules pursuant to Tennessee Code Annotated, Section 4-5-209.

SECTION 8. This act shall take effect for the rendering of medical care services on January 1, 1994, the public welfare requiring it. For all other purposes this act shall take effect on becoming a law, the public welfare requiring it.

Rep. Rhinehart moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that House Bill No. 660, as amended, be passed on third and final consideration.

Rep. Arriola moved the previous question, which motion failed by the following vote:

Ayes. . . . .	55
Noes. . . . .	39

Representatives voting aye were: Anderson, Arriola, Bell, Buck, Byrd, Chiles, Clark, Coffey, Collier, Crain, Cross, DeBerry, Ferguson, Fisher, Fowlkes, Garrett, Givens, Halteman, Harwell, Hargrove, Head, Herron, Hillis, Johnson, Kernell, Kisber, Knight, Lewis, Love, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Ritchie, Robinson, Stulce, Tindell, Turner (Hamilton), Walley, West, Whitson, Williams (Williamson), Winningham, Wix -- 55.

Representatives voting no were: Armstrong, Bittle, Boyer, Brooks, Brown, Callicott, Chumney, Cole (Carter), Cole (Dyer), Davidson, Davis, Dixon, Duer, Gunnels, Haley, Hassell, Haun, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Liles, McAfee, McDaniel, Napier, Ramsey, Rinks, Severance, Shirley, Stamps, Stockburger, Thompson, Turner (Shelby), Venable, Westmoreland, Williams (Shelby), Williams (Union), Windle, Wood -- 39.

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Rep. Purcell moved that House Bill No. 660, as amended, be passed on third and final consideration.

Rep. Bell moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	64
Noes. . . . .	28
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Arriola, Bell, Buck, Byrd, Callicott, Chiles, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Ferguson, Fisher, Fowlkes, Garrett, Givens, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Johnson, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Ritchie, Robinson, Severance, Stamps, Stulce, Tindell, Turner (Hamilton), Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 64.

Representatives voting no were: Armstrong, Bittle, Boyer, Brooks, Brown, Chumney, Coffey, Cole (Dyer), Dixon, Duer, Gunnels, Haley, Haun, Jones R (Shelby), Jones U (Shelby), McAfee, McDaniel, Miller, Ramsey, Rinks, Shirley, Stockburger, Thompson, Turner (Shelby), Venable, Westmoreland, Williams (Shelby), Wood -- 28.

Representatives present and not voting were: Joyce -- 1.

Rep. Purcell moved that House Bill No. 660, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	4

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks, Brown, Gunnels, Westmoreland -- 4.

A motion to reconsider was tabled.



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**House Bill No. 1499** -- State Employees -- Grants career service employees who are laid off opportunity for job counseling and retraining. Amends TCA 8-30-320.

On motion, House Bill No. 1499 was made to conform with **Senate Bill No. 482**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 482** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Purcell moved that **Senate Bill No. 482** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0953** -- State Employees -- Redefines "state employee" to provide defense counsel to certain mental health employees. Amends TCA 8-42-101; Title 9, Ch. 8; Title 33, Ch. 2, Pt. 6, 68-2-1115.

Rep. Purcell moved that House Bill No. 953 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Purcell, as follows:

**Amendment No. 1**

Amend House Bill No. 953 by adding the following as a new Section 2 and by renumbering the current Section 2 as Section 3:

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SECTION 2. Tennessee Code Annotated, Section 68-2-1115, is amended by deleting it in its entirety and by substituting instead the following:

Employees of the community health agencies shall be considered "state employees" for purposes of Section 9-8-307. Designated volunteers providing services under this part shall also be considered "state employees" for purposes of Section 9-8-307, provided, however, that designated volunteers who are medical professionals providing direct health care pursuant to this part shall be considered "state employees" solely for the category of "professional malpractice" pursuant to Section 9-8-307.

AND FURTHER AMEND by deleting the amendatory language of Section 1 and by substituting instead the following:

(D) "State employee" also includes persons who are both members of community-based screening agencies that function under Title 33, Chapter 2, Part 6 and who screen individuals to make judgments required by Title 33, Chapter 2, Part 6. "State Employee" further includes the department of mental health and mental retardation's "medical consultant"; said individual shall be a licensed physician who is designated by the commissioner of mental health and mental retardation to provide medical consultation and advisory services to and on behalf of the commissioner and to the department of mental health and mental retardation under Title 33. The commissioner of mental health and mental retardation shall register only the names of properly qualified and designated persons with the board of claims. Persons designated under this item are not eligible for workers' compensation benefits from the state of Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 953**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks.

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Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1143 -- Taxes, Privilege --** Authorizes employing state or local government to pay professional privilege tax for employees. Amends TCA, Title 67, Ch. 4, Pt. 17.

Further consideration of House Bill No. 1143, previously considered on today's Calendar.

Rep. West moved that House Bill No. 1143, as amended, be reset to the Calendar for Thursday, April 29, 1993, which motion prevailed.

**House Bill No. 0932 -- District Attorneys --** Adds additional assistant district attorney general position in eighth judicial district on July 1, 1993. Amends TCA 16-2-506.

Rep. Cross moved that House Bill No. 932 be reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**House Bill No. 0933 -- District Attorneys --** Creates one additional position of criminal investigator for eighth judicial district. Amends TCA, Title 16, Ch. 2, Pt. 5.

Rep. Cross moved that House Bill No. 933 be reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**House Bill No. 1318 -- Criminal Procedure --** Authorizes prepayment of fines for certain motor carrier violations. Amends TCA, Title 40, Ch. 4, Pt. 1, 65-15-122.

Rep. Davidson moved that House Bill No. 1318 be reset to the Calendar for Monday, May 3, 1993, which motion prevailed.

**House Bill No. 0260 -- Corporations --** Revises municipal incorporation laws. Amends TCA, Title 6, Chs. 1, 18, 30.

Speaker Naifeh announced that House Bill No. 260 was reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**House Bill No. 0257 -- Vocational Training and Rehabilitation --** Exempts director of vocational rehabilitation from state purchasing procedures for purchases of equipment, supplies or goods and services, not to exceed \$250. Amends TCA, Title 49, Ch. 11.

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Speaker Naifeh announced that House Bill No. 257 was reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**\*House Bill No. 0200 -- General Assembly --** Provides that estimated expenditures for general bill stated in fiscal note shall be presumed to be amount of first year's funding if bill is enacted. Amends TCA, Title 3.

Speaker Naifeh announced that House Bill No. 200 was reset to the Calendar for Wednesday, April 18, 1993, which motion prevailed.

**House Bill No. 0471 -- Zoning --** Authorizes notice of county ordinances by publishing summary of ordinance. Amends TCA, Title 13, Ch. 7.

On motion, House Bill No. 471 was made to conform with **Senate Bill No. 362**; the Senate Bill was substituted for the House Bill.

Rep. Williams (Williamson) moved that **Senate Bill No. 362** be passed on third and final consideration.

Rep. Williams (Williamson) moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 362 by adding the following language to the end of the amendatory language of Section 1:

If the zoning ordinance rezones property, a description of the property that is rezoned shall be included in the summary.

AND FURTHER AMEND by adding the following language to the end of the amendatory language of Section 2:

If the zoning ordinance rezones property, a description of the property that is rezoned shall be included in the summary.

AND FURTHER AMEND by adding the following language to the end of the amendatory language of Section 3:

If the zoning ordinance rezones property, a description of the property that is rezoned shall be included in the summary.

On motion, Amendment No. 1 was adopted.

Rep. Williams (Williamson) moved that **Senate Bill No. 362**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 0926 -- Pensions and Retirement Benefits --** Allows retired firefighters and police officers to return to service without suspension of retirement benefits under certain conditions. Amends TCA, Title 8, Ch. 36, Pt. 8.

Rep. Whitson moved that House Bill No. 926 be passed on third and final consideration.

Rep. Rhinehart moved to adopt Council on Pension and Insurance Amendment No. 1 as follows:

**Amendment No. 1**

Section 1 is amended by deleting the word "head" from subdivision (3) and by substituting instead the words "chief legislative body", by deleting the first word in subdivision (4) and by substituting instead the words and punctuation "After receipt of liability information from the retirement division, the".

Section 1 is further amended by deleting the word "and" at the end of subdivision (4), by deleting the period "." at the end of subdivision (5) and by substituting instead the punctuation and word "; and" and by adding the following new subdivision (6):

(6) The municipality from which the person retired cannot derive more than fifty percent (50%) of its revenue from state-shared taxes as defined in title 9, chapter 6, part 3.

On motion, Amendment No. 1 was adopted.

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Rep. Whitson moved that **House Bill No. 926**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Shirley -- 1.

A motion to reconsider was tabled.

**House Bill No. 0273 -- Day Care -- Exempts Boys Clubs and Girls Clubs from requirements of DHS day care licensure and inspection; allows individual Boys Clubs and Girls Clubs to elect DHS day care licensure and regulation; authorizes DHS waivers. Amends TCA, Title 71.**

On motion, House Bill No. 273 was made to conform with **Senate Bill No. 368**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that **Senate Bill No. 368** be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1, seconded by Rep. Armstrong, as follows:

**Amendment No. 1**

Amend Senate Bill No. 368 by deleting from the amendatory language of Section 1(a) the words "any Boys and Girls Club which holds membership" and by substituting instead the following:

any Boys and Girls Club which provides care for school-aged children and which holds membership

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On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **Senate Bill No. 368**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Purcell -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0050** -- Consumer Protection -- Places certain requirements on consumer reporting agencies. Amends TCA, Title 47, Ch. 18.

Rep. Pruitt moved that House Bill No. 50 be reset to the Calendar for Wednesday, April 28, 1993, which motion prevailed.

**House Bill No. 0829** -- Crime, Victims of -- Enacts "Victim Compensation from the Proceeds of the Crime Act of 1993". Repeals TCA, Title 29, Ch. 13, Pt. 2.

Rep. Herron moved that **House Bill No. 829** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R

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(Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1167 -- Physicians and Surgeons --** Requires physicians to disclose to third party payors ownership interest in health care facility or therapy to which patient referred; disclosed information shall not become proprietary information of third party payor. Amends TCA, Title 63, Ch. 6, Pt. 5.

Rep. Herron moved that House Bill No. 1167 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1167 by deleting in its entirety all the language following Section 1, and by substituting instead the following language:

SECTION 2. Tennessee Code Annotated, Section 63-6-502, is amended by adding the following language as a new, appropriately designated subsection:

( )(1) For purposes of this subsection "entity" means and includes a health care facility and an agency, company or health care professional, other than the referring physician, providing health care services.

(2) In compliance with the disclosure requirements of subsection (b) relative to the third party payor or payors of the patient, each physician practicing in this state shall file an annual disclosure statement with the department of health which includes the name and address of any entity in which the physician has an ownership interest to which the physician referred patients during the year. If during the year a physician did not refer patients to an entity in which the physician had an ownership or if during the year a physician had no ownership interest in an entity, the physician shall so state on the annual disclosure statement.



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(3) The disclosure statement shall be filed annually with the department by January 31 and shall be filed on forms and in such manner as prescribed by the commissioner of health. Such disclosure statement shall be a public record within the meaning of Tennessee Code Annotated, Title 10, Chapter 7.

SECTION 3. This act shall take effect July 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **House Bill No. 1167**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 0615 -- Driver Licenses --** Allows persons driving on restricted licenses to attend scheduled interlock monitoring appointments. Amends TCA, Title 55, Ch. 10, Pt. 4.

On motion, House Bill No. 615 was made to conform with **Senate Bill No. 959**; the Senate Bill was substituted for the House Bill.

Rep. Herron moved that **Senate Bill No. 959** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles,

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Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 0608 -- Juries and Jurors --** Removes voter registration list as source of juror names; requires persons exempt from jury service based on occupational exemption, after receiving summons, to notify clerk what 30 day period during next 12 months will be able to serve and thus remove automatic exemption. Amends TCA, Title 22.

On motion, House Bill No. 608 was made to conform with **Senate Bill No. 10**; the Senate Bill was substituted for the House Bill.

Rep. Herron requested that Senate Bill No. 10 be moved to the heel of the Calendar.

**House Bill No. 1373 -- Education, Dept. of --** Establishes a summer science enrichment pilot program for inner city minority students grades 7-12. Amends TCA, Title 49.

Rep. DeBerry moved that House Bill No. 1373 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1373 by deleting the language "seventy-five (75)" from the second sentence of subsection (a) of Section 1 and by substituting the language "fifty (50)".

On motion, Amendment No. 1 was adopted.

Rep. DeBerry moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 1373 by deleting from Section 1(a) the

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words "shall establish and administer" and by substituting instead the words "shall establish and oversee".  
AND FURTHER AMEND by deleting from Section 1(a) the words, figures and symbols "grades eight (8) through twelve (12)" and by substituting instead the following:

grades seven (7) through twelve (12)

AND FURTHER AMEND by deleting the final sentence of Section 1(a) and by substituting instead the following:

In order to offset unrealized summer income, each student who successfully completes the summer science enrichment pilot program shall receive a stipend of six hundred dollars (\$600).

AND FURTHER AMEND by adding the following sentence to the end of Section 2:

Funding for implementation of this act for the 1993-94 school year shall not exceed one hundred fifty thousand dollars (\$150,000).

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 3**

Amend House Bill No. 1373 by adding the following as a new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. This act shall have no effect unless funding for its implementation is included in the general appropriations act.

On motion, Amendment No. 3 was adopted.

Rep. Ritchie moved to adopt Amendment No. 4 as follows:

**Amendment No. 4**

Amend House Bill No. 1373 by deleting the last sentence of amendatory subsection (a) of Section 2 of the printed bill.

Rep. Love moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	57
Noes. . . . .	32

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Representatives voting aye were: Armstrong, Arriola, Bell, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Love, McKee, Miller, Mires, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Robinson, Thompson, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Anderson, Bittle, Boyer, Callicott, Chiles, Duer, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Johnson, Joyce, Lewis, Liles, McAfee, McDaniel, Meyer, Moore, Peroulas Draper, Ramsey, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Venable, Westmoreland, Williams (Union), Wood -- 32.

Rep. Ritchie moved to adopt Amendment No. 5 as follows:

Amendment No. 5

Amend House Bill No. 1373 by deleting the word "stipend" in the last sentence of amendatory subsection (a) of Section 2 of the printed bill and substituting the words "college tuition credit".

Rep. West moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	54
Noes. . . . .	36

Representatives voting aye were: Armstrong, Arriola, Bell, Brooks, Brown, Byrd, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Garrett, Givens, Hargrove, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Love, Miller, Mires, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson, Thompson, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Anderson, Bittle, Boyer, Buck, Callicott, Chiles, Duer, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Joyce, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Owenby, Peroulas Draper, Ramsey, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Venable, Walley, Westmoreland, Williams (Union), Wood -- 36.

Rep. Dixon moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. DeBerry requested that House Bill No. 1373 be moved to the

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heel of the Calendar.

MESSAGE FROM THE SENATE  
April 26, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 267; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 0267** -- County Government -- Revises law concerning records, bonds and property taxes. Amends TCA, Titles 5, 8; Title 10, Ch. 7; Title 67. by \*Rochelle.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1245** -- County Government -- Revises law concerning records, bonds and property taxes. Amends TCA, Titles 5, 8; Title 10, Ch. 7; Title 67.

Further consideration of House Bill No. 1245, previously considered on April 15 and 21, 1993, at which time it was reset to the Calendar for April 26, 1993.

On motion, House Bill No. 1245 was made to conform with Senate Bill No. 267; the Senate Bill was substituted for the House Bill.

Rep. Williams (Shelby) moved that Senate Bill No. 267 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Shirley moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 267 by deleting Section 22 of the printed bill in its entirety and by renumbering subsequent sections accordingly.

Rep. Williams (Shelby) moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	49
Noes. . . . .	36

Representatives voting aye were: Arriola, Brooks, Buck, Byrd, Chumney, Clark, Cole (Dyer), Collier, Davidson, DeBerry, Ferguson, Fisher, Fowkes, Givens, Halteman Harwell, Hargrove, Head, Herron, Hillis, Johnson, Kernell, Kisber, Lewis, Love, McDaniel, Meyer, Mires, Moore, Odom, Owenby, Phelan, Phillips, Pinion, Purcell,

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Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Thompson, Tindell, Turner (Hamilton), West, Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Anderson, Armstrong, Bell, Bittle, Boyer, Brown, Callicott, Chiles, Coffey, Cross, Davis, Duer, Gunnels, Haley, Hassell, Jones R (Shelby), Joyce, Kent, Liles, McAfee, McKee, Napier, Peroulas Draper, Ramsey, Severance, Shirley, Stockburger, Stulce, Turner (Shelby), Venable, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wood -- 36.

Rep. Williams (Shelby) moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend Senate Bill No. 267 by deleting the directory language of Section 12 and by substituting instead the following:

Tennessee Code Annotated, Section 67-1-1005, is amended by deleting subsection (b) and by substituting instead the following new subsections (b) and (c) and by redesignating the remaining subsection accordingly.

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Williams (Shelby) moved that **Senate Bill No. 267**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	60
Noes. . . . .	22
Present and not voting. . . . .	8

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Boyer, Buck, Byrd, Callicott, Clark, Cole (Dyer), Collier, Crain, Davidson, Ferguson, Fisher, Fowlkes, Givens, Halteman Harwell, Hargrove, Head, Herron, Hillis, Johnson, Jones U (Shelby), Kernell, Lewis, Love, McDaniel, Meyer, Miller, Mires, Moore, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Walley, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Chiles, Coffey, Cole (Carter), Cross, Duer, Gunnels, Haley, Hassell, Jones R (Shelby), Joyce, Kent, Kisber, Liles, McAfee, Napier, Ramsey, Ridgeway, Shirley, Stockburger, Turner (Shelby), Venable, Westmoreland -- 22.

Representatives present and not voting were: Armstrong, Brooks, Brown, Chumney, DeBerry, Dixon, McKee, West -- 8.

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A motion to reconsider was tabled.

**\*Senate Bill No. 0010 -- Juries and Jurors --** Removes voter registration list as source of juror names; requires persons exempt from jury service based on occupational exemption, after receiving summons, to notify clerk what 30 day period during next 12 months will be able to serve and thus remove automatic exemption. Amends TCA, Title 22.

Further consideration of Senate Bill No. 10, previously considered on today's Calendar.

Rep. Herron moved that **Senate Bill No. 10** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Herron, as follows:

**Amendment No. 1**

AMEND Senate Bill No. 10 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 22-1-103, is further amended by adding the following as a new appropriately designated subsection:

( ) Provided, however, that complete exemption from liability to act as a juror under this code shall continue to exist for individuals who operate their business as sole proprietors. A sole proprietor is defined for purposes of this act as a professional who conducts his or her practice and who does not have a partner or replacement. Sole practitioners include but are not limited to physicians, dentists, attorneys and pharmacists who operate solo practices.

FURTHER AMEND by deleting the language and figure "thirty (30)" in the amendatory language of Section 2 of the printed bill and by substituting instead the word and figure "seven (7)".

FURTHER AMEND by adding the following language to the end of the amendatory language of Section 2 of the printed bill:

Such exempt person shall only be required to serve on one jury during the seven (7) day period.

FURTHER AMEND by deleting from Section 1 the language "include the permanent voter registration records" and by substituting instead the language "but shall not include the permanent voter registration records as the sole or primary source".

FURTHER AMEND by adding the following new section

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immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 22-1-103, is further amended by adding the following as a new subsection:

( ) The judge shall make proper inquiry of a person exercising the right provided by this section to inform the clerk of a period when such person is available for jury service to ensure that such person is not selecting a particular period of availability for the sole purpose of becoming a juror on a specific civil or criminal proceeding before the court.

On motion, Amendment No. 1 was adopted.

Rep. Herron moved that **Senate Bill No. 10**, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Herron moved that **Senate Bill No. 10**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	74
Noes. . . . .	18

Representatives voting aye were: Anderson, Armstrong, Arriola, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Lewis, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Bell, Bittle, Crain, Cross, Duer, Givens, Haley, Haun, Liles, McAfee, Peroulas Draper, Phillips, Ramsey, Stockburger, Venable, Westmoreland, Whitson, Winningham -- 18.

A motion to reconsider was tabled.

**House Bill No. 1373** -- Education, Dept. of -- Establishes a summer science enrichment pilot program for inner city minority students grades 7-12. Amends TCA, Title 49.



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Further consideration of House Bill No. 1373, previously considered on today's Calendar.

Rep. DeBerry moved that House Bill No. 1373, as amended, be passed on third and final consideration.

Rep. McDaniel moved to adopt Amendment No. 7 as follows:

**Amendment No. 7**

Amend House Bill No. 1373 by deleting from subsection (a) of Section 1 the word and punctuation ", minority".

Rep. Kernell moved the previous question, which motion prevailed.

On motion, Amendment No. 7 was adopted.

Rep. Ritchie moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. DeBerry moved that House Bill No. 1373, as amended, be passed on third and final consideration.

Rep. Bell moved the previous question, which motion prevailed.

Rep. DeBerry moved that **House Bill No. 1373**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	70
Noes. . . . .	14
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Buck, Byrd, Chumney, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Halteman, Harwell, Hargrove, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson, Stamps, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Callicott, Chiles, Duer, Gunnels, Haley, Hassell, Liles, McAfee, Meyer, Ramsey, Ritchie, Shirley, Stockburger, Williams (Union) -- 14.

Representatives present and not voting were: Brown, Joyce, Severance -- 3.

A motion to reconsider was tabled.

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MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

**\*Senate Bill No. 0053** -- Parks, Natural Areas Preservation -- Enacts "Tennessee Adopt A Park Program Act of 1993". Amends TCA, Title 11, Ch. 1, Pt. 24.

CONFERENCE COMMITTEE APPOINTED  
ON SENATE BILL NO. 53

Pursuant to **Rule No. 73**, Representative Hillis moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 53.

The Speaker appointed Representatives Hillis, Rhinehart and Purcell as the House members of the Conference Committee on Senate Bill No. 53.

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0406** -- Medicare and Medicaid -- Establishes medicaid cost savings award program for medicaid providers.

Senate Amendment No. 1

AMEND House Bill No. 406 is amended by inserting the following language between the first and second sentences of the amendatory language of Section 5(a) of the printed bill:

Any such cash awards shall be paid solely out of state funds appropriated by the state of Tennessee for the medicaid program in the general appropriations act.

Senate Amendment No. 2

Amend House Bill No. 406 in Section 1(a) by deleting the language "medicaid" and by substituting instead the language "medicaid, or if applicable, TennCare program".

AND FURTHER AMEND in Section 1(b) by deleting the language "medicaid" and by substituting instead the language "medicaid, or if applicable, TennCare".

AND FURTHER AMEND in Section 2 by deleting the language "medicaid" and by substituting instead the language "medicaid, or if applicable, TennCare program".

AND FURTHER AMEND by adding the following as a new section to precede the effective date section:

Section \_\_\_\_ . The provisions of this act shall also

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apply to the TennCare program, if such program is adopted and implemented.

Rep. Crain moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 406**, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 0472 -- Employees, Employers --** Authorizes local boards of education, religious, charitable, scientific or educational institutions and child welfare agencies to request teachers and persons applying to work with children to agree to criminal history records' check or supply fingerprint sample for TBI. Amends TCA, Title 37, Ch. 1, Pt. 4; Title 38, Ch. 6, Pt. 1; Title 49, Ch. 5; Title 71, Ch. 3, Pt. 5.

Rep. Williams (Williamson) moved that House Bill No. 472 be reset to the Message Calendar for Thursday, April 29, 1993, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1004 -- Consumer Protection --** Creates offense of going out of business as Class B misdemeanor; requires local governments to issue permits to be accompanied by inventory; limits sale to inventory; authorizes injunctive relief. Amends TCA, Title 47, Ch. 18.

**HOUSE BILL RETURNED**

There being no objection, Rep. Ramsey asked that the Clerk be directed to return **House Bill No. 1004** to the Senate as requested.

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UNFINISHED BUSINESS

MESSAGE FROM THE SENATE  
April 26, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 530; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 26, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 381; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 26, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 398.

The Senate nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 26, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 121.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 26, 1993

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution No. 17.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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**MESSAGE FROM THE SENATE**

**April 26, 1993**

**MR. SPEAKER:** I am directed to return to the House, Senate Bill No. 601.

The Senate nonconcurred in House Amendment(s) No(s). 2 and 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 26, 1993**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 1213; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**RULES SUSPENDED**

Rep. Phillips moved to suspend **Rule No. 49** (48-hour rule), to allow bills moved from Calendar and Rules on Tuesday to be set on the floor calendar for Wednesday and the bills moved from Calendar and Rules on Wednesday be set on the floor calendar for Thursday, which motion prevailed.

**RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 242 out of order, which motion prevailed.

**\*House Joint Resolution No. 0242 -- Highway Signs -- "Special Agent ATF Sergeant Todd Wayne McKeehan Memorial Bridge," Sparks Road, Carter County.** by \*Cole Ralph.

**RULES SUSPENDED**

Rep. Robinson moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Joint Resolutions Nos. 193 and 242 and House Bills Nos. 70 and 470 could be heard by the subcommittees of Transportation; and, if recommended out, by the full committee on Tuesday, April 27, 1993, which motion prevailed.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday,

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April 28, 1993:

**House Bill No. 381:** Rep. West.

**House Bill No. 530:** Rep. Stamps.

**Senate Joint Resolution No. 17:** Rep. Purcell.

**Senate Bill No. 601:** Rep. U. Jones.

**House Bill No. 1213:** Rep. Herron.

#### **NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, April 29, 1993:

**Senate Bill No. 616:** Rep. Garrett.

#### **RULES SUSPENDED**

Rep. Windle moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 245 out of order, which motion prevailed.

**House Joint Resolution No. 0245 -- Memorials, Retirement -- Anna Ruth Qualls.** by \*Windle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Windle, the resolution was adopted.

A motion to reconsider was tabled.

#### **RULES SUSPENDED**

Rep. Arriola moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that bills coming out of the Medicaid subcommittee could be heard by the full Health and Human Resources Committee on Wednesday, April 29, 1993, which motion prevailed.

#### **SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 622:** Rep(s). Armstrong, Chumney, Kernell and

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McDaniel as prime sponsor(s).

**House Bill No. 829:** Rep(s). McDaniel, as prime sponsor(s).

**House Bill No. 1111:** Rep(s). Bell and Wix as prime sponsor(s).

**House Bill No. 1499:** Rep(s). Haun and Owenby as prime sponsor(s).

**House Joint Resolution No. 61:** Rep(s). Liles as prime sponsor(s).

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Bill No. 829:** Rep(s). Williams (Union) as prime sponsor(s).

**ENGROSSED BILLS**

**April 26, 1993**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 622, 1643 and 1645; also, House Joint Resolution(s) No(s). 20, 70, 191, 194 and 237.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 26, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 81; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 26, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 387, 805, 841, 1429 and 1520; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MONDAY, APRIL 26, 1993 -- THIRTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
April 26, 1993**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 1; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 26, 1993**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 1456; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
April 26, 1993**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 660, 829, 926, 953 and 1167.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 26, 1993**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 205, 392, 475, 675, 950, 1242, 1447 and 1472; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 0205 -- Smoking --** Prohibits smoking in elementary and secondary school buildings. Amends TCA, Title 49, Ch. 50. by \*Springer, \*Cohen, \*Jordan.

**\*Senate Bill No. 0392 -- Motor Vehicles --** Requires \$25,000 bond for car dealers as condition of licensure and license renewal. Amends TCA 55-17-111. by \*Person, \*Cohen.

**\*Senate Bill No. 0475 -- Education, Higher --** Authorizes 25 percent reduction in tuition at any state operated area technical vocational school or institution of higher learning for children whose parent is retired state employee. Amends TCA 8-50-115. by \*McNally.

**\*Senate Bill No. 0675 -- Public Defenders --** Changes written notice requirement for meetings of district public defenders conference from ten to 20 days. Amends TCA, Title 8, Ch. 14; Title



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16, Ch. 2. by \*Cooper.

**\*Senate Bill No. 0950** -- Taxes, Real Property -- Requires interest to be paid by taxpayer under certain circumstances. Amends TCA, Title 67. by \*Person.

**\*Senate Bill No. 1242** -- Education -- Requires two-thirds vote of county legislative body for approval of members elected to local board of education. Amends TCA 49-2-201. by \*Leatherwood.

**\*Senate Bill No. 1447** -- Hospitals and Health Care Facilities -- Requires mandatory hepatitis B and HIV testing of blood of health facility patient if employee, student or other health care provider exposed to patient's blood or body fluids. Amends TCA, Title 68, Ch. 11, Pt. 2. by \*Atchley.

**\*Senate Bill No. 1472** -- Handicapped Persons -- Requires applicant for temporary or permanent handicapped driver or passenger permit to furnish physician statement that applicant is unable to walk distance of 200 feet or that such activity would be hazardous to applicant's health. Amends TCA, Title 55, Ch. 21. by \*Kyle.

**ENGROSSED BILLS  
April 26, 1993**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1373; also, House Joint Resolution(s) No(s). 245.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
April 26, 1993**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 16, 101, 115, 125, 166, 439, 544, 549, 614, 700, 747, 870, 1202, 1356, 1423, 1467 and 1503; also, Senate Joint Resolution(s) No(s). 88, 127, 147, 150, 152, 153, 154, 156, 159, 160, 161, 162 and 163.

**MESSAGE FROM THE SENATE  
April 26, 1993**

MR. SPEAKER: I am directed to request the return of Senate Bill No. 667, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**CONSENT CALENDAR**

The following local bill(s), having received approval of the

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local delegation, has/have been placed on the Consent Calendar for Monday, May 3, 1993: House Bill(s) No(s). 1652 and 1653.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, April 28, 1993.